

Remarks

Please withdraw claims 55–84, 95–112 and 120–131 without prejudice. Applicant reserves the right to file continuation applications to further prosecute these claims.

The numbered paragraphs of the office action are responded to through the corresponding numbered paragraphs below. The applicant has addressed each issue in turn and, for clarity, has provided a heading for each issue.

1–2. In paragraphs 1 and 2, the Examiner acknowledged that a request for continued examination and fee have been filed in this case. The Examiner indicated that the finality of the previous Office action has been withdrawn and that the applicant's submission of January 21, 2004 has been entered. The Applicant appreciates the Examiner's entry of the previous submission and believes that no specific response to this paragraph is required.

Election/Restriction

3–8 In paragraphs 3–8, the Examiner required "restriction to one of the following inventions"

- I. Claims 41–58, 85–94 and 113–119.
- II. Claims 55–74.
- III. Claims 75–84 and 95–103.
- IV. Claims 104–112 and 120–125.

V. Claims 126-131.

The applicant has elected, without traverse, to prosecute the invention of Group I, claims 41-54, 85-94 and 113-119. The applicant believes that the inventors continue to be co-inventors of these pending elected claims. The applicant believes that the election of these claims and these remarks are fully responsive to these paragraphs of this action.

Double Patenting Rejection

9. In paragraph 9, the Examiner described the nonstatutory double patenting rejection, indicating that a timely filed terminal disclaimer, which can be signed by a registered patent attorney, may be used to overcome this rejection. The applicant appreciates this information, is availing himself of an enclosed terminal disclaimer and believes that no specific response is required for this paragraph.

10. In paragraph 10, the Examiner rejected claims 41-48, 50-54, 85-94 and 113-119 "under the judicially created doctrine of obviousness-type double patenting as being unpatentable over some claims and disclosures of Thomasson et al." (U.S. Patent No. 6,205,473). The applicant has included with this response a terminal disclaimer with respect to this U.S. Patent. The applicant believes that the submission of this terminal disclaimer is fully responsive to the rejection of this paragraph. The applicant respectfully requests reconsideration and withdrawal of this rejection.

11. In paragraph 10, the Examiner rejected claim 49 "under the judicially created doctrine of obviousness-type double patenting as being unpatentable over some claims and disclosures of Thomasson et al." (U.S. Patent No. 6,205,473) in view of Moura et al. The applicant has included with this response a terminal disclaimer with respect to this U.S. Patent. The applicant believes that the submission of this terminal disclaimer is fully responsive to the rejection of this paragraph. The applicant respectfully requests reconsideration and withdrawal of this rejection.

Conclusion

12. The Examiner indicated that a shortened statutory period for response to this action is set but that extensions of time may be obtained under the provisions of 37 CAR 1.136(A). The applicant is filing with this response a petition for extension of time and fee. This response is being filed within the permitted extension period. The applicant respectfully requests consideration and entry of this response.

13. The Examiner provided information concerning communication on this case. The Applicant appreciates the Examiner's willingness to discuss this case but believes that no specific response to this paragraph is required.

Applicant has requested that claims 55-84, 95-112 and 120-131 be withdrawn as previously described. The Applicant has submitted with this response a Terminal Disclaimer to address the Double Patenting Rejections. In view of the foregoing, and in summary,

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AMENDMENT AND RESPONSE
TO FINAL OFFICE ACTION / RCE

Examiner Philip B. Tran
Group Art Unit: 2155

applicant believes that all issues and points of the Examiner's Office Action have been addressed. Applicant believes that the presently presented claims (claims 41-54, 85-94 and 113-119) are patentable over the prior art.

Reconsideration and allowance of this application is respectfully requested.

Respectfully submitted this 2nd day of September, 2004.



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